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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,626	03/15/2004	Shunpei Yamazaki	0756-7263	8416
31780	7590	07/03/2006		EXAMINER
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165				SCHILLINGER, LAURA M
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/799,626	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	Laura M. Schillinger	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 April 2006.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-55 is/are pending in the application.

4a) Of the above claim(s) 1-10, 12-14 and 19-55 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 11 and 15-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/6/06; 9/30/05; 3/15/04</u>	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 11, 15-18 in the reply filed on 1/17/06 is acknowledged.

Newly submitted claims 39-55 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly added claims constitute a separate and distinct species from that of elected claim 11.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-55 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Priority***

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US 2004/0119955)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Tanaka teaches the following claimed limitations as cited below:

11. (Original) A method for manufacturing a semiconductor device comprising the step of: crystallizing a semiconductor film formed over an insulating surface by irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is  $1 \times 10^4 \text{ cm}^{-1}$  or more and a second laser light generated in a continuous wave oscillation [0014; 0015];

wherein when the first laser light and the second laser light are irradiated, a region irradiated by the first laser light and a region irradiated by the second laser light are overlapped in such a way that the region irradiated by the first laser light falls within the region irradiated by the second laser light [0014; 0015].

15. (Previously Presented) A method for manufacturing a semiconductor device according to claim 11, wherein the first laser light has a second harmonic [0020].

16. (Previously Presented) A method for manufacturing a semiconductor device according to claim 11, wherein the second laser light has a fundamental wave [0018].

17. (Currently Amended) A method for manufacturing a semiconductor device according to claim 11, further comprising the step of performing a heating process to the semiconductor film [0017].

18. (Original) A method for manufacturing a semiconductor device according to claim 17, wherein the heating process is performed using a gas RTA [0017].

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 15-18 are further rejected under 35 U.S.C. 102(b) as being anticipated by Taketomi et al ('397).

Taketomi teaches the following claimed limitations as cited below:

11. (Original) A method for manufacturing a semiconductor device comprising the step of: crystallizing a semiconductor film formed over an insulating surface by irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to

the semiconductor film is  $1 \times 10^4 \text{ cm}^{-1}$  (Col.2 ,lines: 40-50) or more and a second laser light generated in a continuous wave oscillation [Col.21, lines: 40-50]; wherein when the first laser light and the second laser light are irradiated, a region irradiated by the first laser light and a region irradiated by the second laser light are overlapped in such a way that the region irradiated by the first laser light falls within the region irradiated by the second laser light [Col.21, lines: 35-55].

15. (Previously Presented) A method for manufacturing a semiconductor device according to claim 11, wherein the first laser light has a second harmonic [inherent- light will reflect causing a harmonic].

16. (Previously Presented) A method for manufacturing a semiconductor device according to claim 11, wherein the second laser light has a fundamental wave [Col.21, lines: 35-55- the continuous wave laser will have a fundamental wave].

17. (Currently Amended) A method for manufacturing a semiconductor device according to claim 11, further comprising the step of performing a heating process to the semiconductor film [Col.22, lines: 10-20].

18. (Original) A method for manufacturing a semiconductor device according to claim 17, wherein the heating process is performed using a gas RTA [Col.22, lines: 10-20].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/20/06

Laura M Schillinger  
Primary Examiner  
Art Unit 2813